



Bargaining Begins!

Since the last issue of LER Connections, in September, negotiations have begun with all three County unions: MCGEO, IAFF and FOP. While the negotiations with the IAFF are for a full term contract, negotiations with MCGEO and the FOP are reopeners, mostly addressing economic matters but several other issues, as well. Negotiations are scheduled to continue through late January for FOP and IAFF and mid-February for MCGEO.

**Happy holidays and
best wishes for a
wonderful new year!
From the Labor &
Employee Relations
Team**



County-MCGEO LMRC Meets

The newly-reconstituted Montgomery County-MCGEO LMRC had its first meeting on October 17. Federal Mediation and Conciliation Service (FMCS) Commissioner William McFadden conducted committee effectiveness training for the new committee (see pictures elsewhere in this issue). Among the County-wide LMRC's responsibilities are overseeing the various labor-management committees established in the CBA, including department LMRCs. The County and MCGEO see the County-wide LMRC, as all LMRCs, as an opportunity for communication and pro-active problem-solving. The County-wide LMRC will meet approximately every other month.



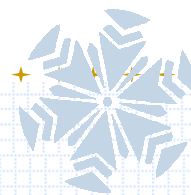
Arbitration & Grievance News

In recent Arbitration decisions:

Since the last LER Connections, we have received three arbitration awards involving MCGEO grievances. All three grievances were denied by the arbitrators.

1. *Arbitrator upholds dismissal:* An arbitrator recently denied a MCGEO grievance where the Union alleged that the County's dismissal of a bus driver for operating a bus while intoxicated was not for "just cause." In addition to the just cause argument, the Union argued that the County was required to provide another assignment or light duty to the employee. The arbitrator upheld the dismissal and stated that the employee "engaged in serious willful misconduct that provided just cause for (the) termination."
2. *Arbitrator acknowledges lack of jurisdiction in classification matter:* MCGEO filed a grievance alleging a violation of the CBA when the County classified and placed the newly created Security Officer III job classification in the OPT bargaining unit, rather than the SLT unit. The County argued that, as a matter of classification, the arbitrator lacked jurisdiction and that the subject issue falls in the domain of the County Labor Relations Administrator. The arbitrator ruled in favor the County, stating that, "Classification and bargaining unit determinations appeals are issues within the jurisdiction of the Labor Relations Administrator, and not an arbitrator."
3. *Arbitrator denies salary matrix grievance:* An arbitrator denied a grievance where the Union alleged a violation of the CBA when the County failed to pay, in perpetuity, a 5% within grade salary adjustment that was given to employees, with prior correctional officer experience, at the time of their hire. After implementation of a new salary "matrix," the Union argued that the County violated the CBA by failing to pay the subject employees a wage rate that was 5% above their matrix based rate. The arbitrator denied the grievance finding that there was no evidence of an agreement between the parties to continue the subject premium, post implementation of the new salary matrix.



**Q. How often should our LMRC meet?**

A. The 2012-2015 County-MCGEO CBA amended previous language that provided that department LMRCs could meet up to six times per contract year (bi-monthly) by adding a requirement that LMRCs meet at least twice per year. The parties, i.e., management and the union, can agree to meet more or less than that. However, a meeting schedule outside those parameters requires mutual agreement.

Q. Why was the requirement that LMRCs meet at least twice per contract year added?

A. The County and MCGEO agree that LMRCs can be an exceptionally effective method to address and resolve problems, to communicate about issues and changes, and to enhance the labor-management relationship. LMRCs have proven to be effective in reducing grievances and the resources it takes to process them and to allow for more pro-active efforts.

Q. What are some best practices for an LMRC?

A. Developing and sharing agenda items in advance, allowing for time for the parties to research issues and to prepare for discussions, co-facilitation of meetings, clearly identifying action items resulting from the meeting, communicating decisions to all affected parties, addressing issues in a collaborative way, allowing for full participation by the committee members, and very importantly, having the committee trained in LMRC effectiveness.

*If you have a question, please submit to: LERNewsletter@montgomerycountymd.gov

*****FAQ Contest*****

Submit a question concerning labor/employee relations for our “Frequently Asked Questions” feature and, if your question is the first one to actually be used in the next issue, you will win a \$10 gift card. Questions might concern contract interpretations, best practices, or whatever labor/employee relations issues you might need addressed.

**Get to know the Specialist: George Lacy**

[Each issue, we will highlight a member of the L/ER Team.]

George is a Manager III and Director of Labor Relations for the Montgomery County Police Department. He graduated with a B.A. in Business Administration from Howard University, earned his J.D. from the University of Wisconsin School of Law and an LLM in the area of Labor Law from Georgetown University Law Center. Prior to joining Montgomery County Government in 2005, George worked for the National Labor Relations Board, the U.S. Department of Labor, and the National Treasury Employees Union as well as having been a law professor at Antioch Law School and the University of the District of Columbia School of Law.

George is the CEO and founder of World Media Broadcast Company, owner and operator of radio station WCLM 1450 AM in Richmond, VA. He is married with two children.

LER Connections



Know the Contract

Meal Periods & Work Breaks

With a few exceptions, meal periods are not included in the calculation of work hours. Meal periods are generally 30 to 60 minutes in duration and are built into the employee's work schedule. Therefore, an 8 hour employee with a 30 minute unpaid meal period will have a work schedule of 8 ½ hours (8 work hours + ½ hour unpaid meal period). To qualify as an unpaid meal period, employees must be completely relieved from all duties for the entire period. In contrast, work breaks are regarded as paid work time. Subject to operational and work load requirements, the MCGEO agreement provides for two 15 minute breaks during the work day. The purpose of the break is to provide periodic relief from work. The breaks are not intended to be combined to create a longer 30 minute break, or to extend the meal period, or to offset a late arrival or an early departure.

Labor Agreements online: <http://www.montgomerycountymd.gov/ohr/labor/labor.html>

Labor & Employee Relations Certificate Program

Over 70% of the County's workforce is represented by labor unions. Supervisors need to understand their rights and the rights of employees and need to know how to communicate effectively with bargaining unit employees. Courses in the Labor/Employee Relations Program are designed to assist supervisors and managers to understand basic labor relations principles, as well as the rules and procedures that make up the County's Human Resources system.

Required Courses:

Introduction to Managing in a Union Environment: This class provides an overview of the unions that represent County employees and the collective bargaining agreements that mandate many of the policies and practices that cover bargaining unit employees. With practical examples and advice, this class will help you more confidently lead, manage and communicate with your team.

Managing Conflicts in a Union Environment: The course will address organizational conflicts between labor and management and what each side can do to decrease the number and intensity of such conflicts. This class is designed to improved understanding of the causes of workplace conflicts between individuals and labor/ management conflicts and will have discussion on methods and means for improving the organizational labor management relationship through communication and partnership.

Electives (choose at least 1 for certificate completion):

Don't Let it Happen to You – Workplace Violence

Substance Abuse in the Workplace: The Supervisor's Role

Understanding Family Medical Leave Act & Avoiding Headaches

~Labor & Employee Relations Team~

Labor Relations: Sarah Cook, Lasantha Dahanaike, George Lacy (Police Labor Manager), Jackie LaRocca, Jeremy Milewski, Stuart Weisberg, Teresa White, Mike Woodruff, Steve Sluchansky (L/ER Manager)

EEO: Angela Washington (EEO Officer), and Patricia Miller

Disability Program Manager: Ricky Wright

Executive Office Building. Office of Human Resources. 7th Floor. 101 Monroe Street. Rockville MD 20850

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County-MCGEO LMRC Meets



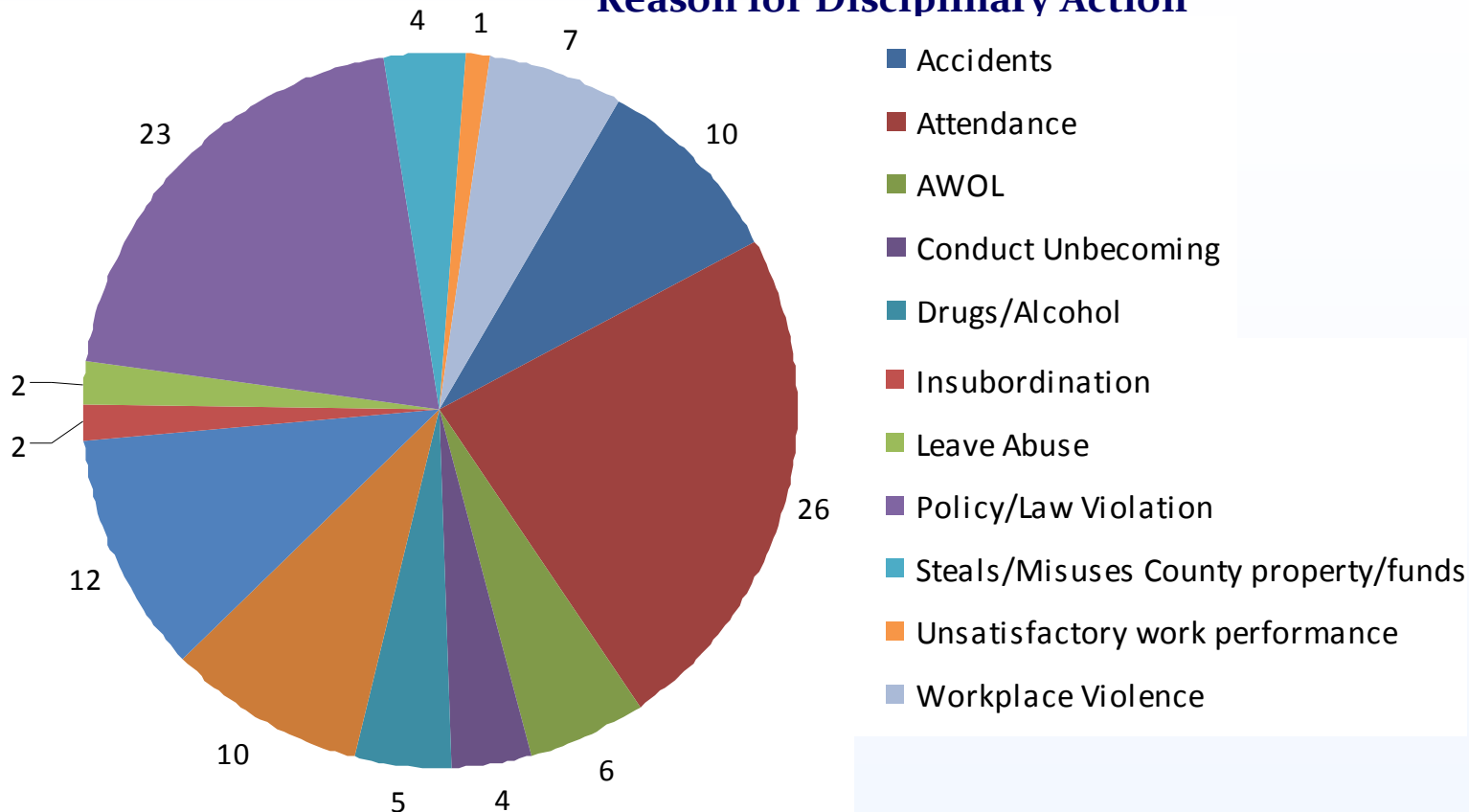
Federal Mediation and Conciliation Service (FMCS) Commissioner William McFadden conducts committee effectiveness training at the first meeting of the recently-reconstituted Montgomery County/MCGEO Labor Management Relations Committee (LMRC) on October 17 at MCGEO headquarters. Among the participants were MCGEO President Gino Renne and OHR Director Joseph Adler. The training is designed to help LMRCs be high-performing vehicles for problem-solving and collaboration.



LER Connections

FY 2012 ADR Data

Reason for Disciplinary Action



Panel Recommendations

